

Patent Application Serial No. 10/633,858
Inventor: Sheng-Bin

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REMARKS

Applicant appreciates the attention of the Examiner to the application. The Advisory Action of the Examiner of July 26, 2005 has been reviewed with care in the preparation of this response. The following remarks are believed to be fully responsive to this action.

Claims 1-4, 6-8, and 10-22 are pending. The pending claims, as amended, set forth a novel and non-obvious soft storage bin. Allowance of all pending claims is respectfully requested in view of the amendment filed on July 14, 2005 and these remarks.

The proposed amendment was not entered by the Examiner on the basis that the limitation "folding over the bottom" in the amendment raises both a new issue that requires further consideration and/or search with and new matter. Applicant believes that the refusal of the Examiner to enter the amendment is misplaced and that the amendment should be admitted pursuant to 37 CFR §1.116.

The addition of the limitation in question is not new matter. Fig. 4 in the application is a perspective view of the soft storage bin in Fig. 3 being collapsed. The folding over of the bottom seen in Fig. 3 is an inherent and obvious property of this novel bin in view of its ability to laterally collapse into a substantially flat configuration when each of the second sidewalls is folded inward in half. (Appl. at pg. 6, lines 16-20).

By disclosing a device in a patent application that inherently performs a function or has a property, such an application necessarily discloses that function or property even though the application may say nothing explicit about it. In these instances, the application can later be amended to recite the function or property in question without it constituting the introduction of prohibited new matter. MPEP §2163.07. For these reasons, Applicant asks that the Examiner withdraw his refusal to enter the proposed amendment on the basis that the "folding over the bottom" limitation is considered new matter.

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This limitation also does not raise a new issue requiring further consideration and/or search. Collapsibility of the soft storage bin is not a new issue but was one originally claimed and described in this application. The addition limitation in question serves to simply clarify the manner by which "removing the bottom board from the interior enables the bin to be collapsed." (Pending claim 1).

As such, given the presence of a closed bottom, the added requirement of "folding over the bottom" would reasonably be anticipated to be claimed so as to traverse the prior art cited by the Examiner for the first time in the Office Action of March 15, 2005 and thereby place the application in condition for allowance. In light of this level of expectation directed to the collapsibility of the bin, the proposed amendment can hardly be said to present a new issue requiring either additional consideration or search by the Examiner beyond that previously performed by him.

For each of these good and sufficient reasons, Applicant respectfully requests once again that the proposed amendment filed on July 14, 2005 be entered. In addition, Applicant asks that reconsideration be given as well to those claims not subject to this amendment. These claims, and in particular claims 13-18, are believed to overcome their rejections and to presently be in condition for allowance on the basis of the reasons set forth in the response of July 14, 2005.

Applicant believes that claims 1-4, 6-8 and 10-22, as amended, include essential features not disclosed or suggested in the prior art and represent a novel and highly desirable soft storage bin. With allowance of the proposed amendment, Applicant submits that all rejections in the Office Action of March 15, 2005 have been traversed by amendment and argument, placing the application in condition for allowance. In view of the above remarks, Applicant respectfully requests that the proposed amendment be now entered and that these rejections be reconsidered and withdrawn by the Examiner.

Early favorable action is earnestly solicited. The Examiner is invited to call the

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undersigned if such would be helpful in resolving any issue which might remain. Please debit Deposit Account 10-0270 for a two-month extension fee less the one-month extension fee previously paid on July 14, 2005. If any additional fees are due, please debit Deposit Account 10-0270 and inform the undersigned.

Respectfully submitted,



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